

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUADALUPE SOLIS ALVAREZ,

Petitioner,

No. CIV S-05-0689 DFL CMK

vs.

JAMES YATES, et al.,

Respondents.

ORDER

Petitioner is a state prisoner proceeding pro se. Petitioner paid the filing fee of \$5.00 on April 28, 2005. Petitioner has paid the same filing fee on three subsequent occasions. The court docket also reveals petitioner's filing fee was also paid by the State of California and Elia Alvarez. Due to the duplicative nature of petitioner's payments the court will refund to petitioner any unnecessary payments which the petitioner personally made.

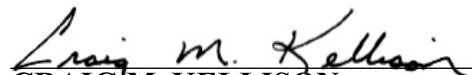
On May 31, 2005, petitioner filed a motion to proceed in forma pauperis. Because petitioner has paid the filing fee, his motion will be denied at this time. However, petitioner may renew this motion at a later state in this proceedings, if appropriate.

Accordingly, IT IS HEREBY ORDERED that:

1. The Financial Department of the Court shall refund three of the four payments made by petitioner for a total of \$15.00; and

2. Petitioner's motion to proceed in forma pauperis filed May 31, 2005, is denied without prejudice.

DATED: June 20, 2005.


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

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